Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Block II: Article VII

Proposed elements for inclusion in the report of the Preparatory Committee on the work of its third session

Working paper submitted by the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan

1. The Preparatory Committee recalls that the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan, being convinced that the establishment of nuclear-weapon-free zones contributes significantly to the maintenance and consolidation of peace and security at the global and regional levels, launched an initiative for the establishment of a nuclear-weapon-free zone in the region of Central Asia. This initiative was reflected in the relevant provisions of the Almaty Declaration of 28 February 1997, the statement issued at Tashkent on 15 September 1997 by the Ministers for Foreign Affairs of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan and the Communiqué issued on 10 July 1998 by the Bishkek Consultative Meeting.

2. The Preparatory Committee notes with satisfaction the adoption by consensus by the United Nations General Assembly of resolutions 52/38 S, of 9 December 1997, 53/77 A, of 9 December 1998, 55/33 W, of 20 November 2000 and 57/69, of 22 November 2002, entitled "Establishment of a nuclear-weapon-free zone in Central Asia", in which the Assembly calls upon all States to support the initiative aimed at the establishment of a nuclear-weapon-free zone in Central Asia, commends the concrete steps taken by the States of the region in preparing the legal groundwork for their initiative and requests the Secretary-General, within existing resources, to continue to provide assistance to the five Central Asian States in their further work for the early establishment of a nuclear-weapon-free zone in Central Asia.

3. The Preparatory Committee notes that in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/28, Parts I and II), the Conference expresses support for the intention and commitment of the five Central Asian States to establish a nuclear-weapon-free zone in their region. The Preparatory Committee welcomes the

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practical steps they have taken towards implementation of their initiative and also notes with satisfaction the further progress they have made in drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

4. The Preparatory Committee further notes that the factual summary made by the Chairman of the first session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held in New York from 8 to 19 April 2002, refers to support for the efforts of the Central Asian countries to establish a nuclear-weapon-free zone in their region.

5. The Preparatory Committee, recalling the decisions of the 2000 Review Conference, reiterates its appeal to all Governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants to consider giving such appropriate assistance as may be requested by the Central Asian countries to rehabilitate areas affected by radiation.

6. The Preparatory Committee notes the substantial progress which has been made by the Central Asian States with the direct support of the United Nations, in particular the Secretary-General, the Department for Disarmament Affairs, the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific and the International Atomic Energy Agency in the process of drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

7. The Preparatory Committee notes that, at the expert-level meeting held in Samarkand from 25 to 27 September 2002, the five Central Asian States agreed on the complete text of the Treaty and the Protocol thereto. The General Assembly, in its resolution 57/69 of 22 November 2002, welcomed the decision of the five Central Asian States to sign the Central Asian nuclear-weapon-free zone treaty. The Central Asian States call upon the Preparatory Committee to reflect this progress in the report on the work of its third session.

8. The Preparatory Committee notes with satisfaction the two expert-level consultative meetings that were held in New York in October and December 2002 between the five Central Asian States and the five nuclear-weapon States regarding the Treaty on the establishment of a nuclear-weapon-free zone in Central Asia and the Protocol thereto. These meetings continued the process of consultations with nuclear-weapon States that had begun with the Bishkek expert-level meeting in 1998. In that connection, the Preparatory Committee invites the Central Asian States and the five nuclear-weapon States to continue the process of constructive and results-oriented consultations.

9. The Preparatory Committee notes that the formal and informal meetings to draft the treaty and its protocol, and also the work on their text, took into account the recommendations made by the Disarmament Commission in its report entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned".

10. The Preparatory Committee welcomes the commitment of the Central Asian States to continue working to implement the initiative for the establishment of a nuclear-weapon-free zone in Central Asia and their intention to sign the Treaty on establishment of a nuclear-weapon-free zone in Central Asia.

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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Chairman's summary

1. States parties* reaffirmed the preamble and articles of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). They also recognized the devastation that would be visited upon all mankind by a nuclear war, and reaffirmed the need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples.

2. States parties stressed that the Treaty is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. They underscored that the Treaty rests on three pillars — non-proliferation, disarmament and peaceful nuclear cooperation — and agreed that these pillars represent a set of interrelated and mutually reinforcing obligations and rights of States parties.

3. States parties reaffirmed that the full and effective implementation of the Treaty is vital to international peace and security. They further reaffirmed that each article of the Treaty is binding on the States parties at all times and in all circumstances. States parties also reaffirmed that every effort should be made to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty. They remained convinced that the best way to prevent such proliferation is through universal adherence to the Treaty, full compliance of all States parties with its provisions and strict accountability.

4. States parties stressed that continued efforts to achieve universality of the Treaty are essential and called upon States that have not yet joined the Treaty — India, Israel and Pakistan — to accede promptly and unconditionally to the Treaty as non-nuclear-weapon States and bring into force the required comprehensive safeguards agreements. They further called on these States to refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation.

* Any reference to "States parties" in the present summary is not intended to imply unanimity among States parties and is used without prejudice to the positions of delegations at the 2005 Review Conference.

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5. States parties emphasized multilateralism as indispensable in maintaining and strengthening universal norms for nuclear disarmament and non-proliferation and in enlarging their scope. States parties strongly supported the enforcement of multilateral treaties, and underlined the need to pursue further treaties and other international agreements that respond to today's threats to peace and stability. States parties also reaffirmed the authority of the Security Council to consider and to require effective multilateral action to deal with specific cases of non-compliance, while reaffirming the authority of the International Atomic Energy Agency (IAEA) to verify compliance with safeguards obligations under the Treaty.

6. States parties stressed their commitment to the effective implementation of the objectives of the Treaty, the decisions and the resolution of the 1995 Review and Extension Conference adopted without a vote, and the Final Document of the 2000 Review Conference, adopted by consensus.

7. States parties stressed the increasingly grave threat to the Treaty and international security posed by the proliferation of nuclear weapons and their means of delivery, as well as the possibility that non-state actors might gain access to these weapons. The gravity of this threat reinforces the need for the full and effective implementation of treaty-based regimes. In this context, States parties noted the adoption of Security Council resolution 1540 (2004) on 28 April 2004.

8. Nuclear-weapon States reaffirmed their commitments under article I of the Treaty. States parties emphasized that these undertakings should be fully implemented. Non-nuclear-weapon States reaffirmed their commitments under article II of the Treaty. States parties also emphasized that non-nuclear-weapon State parties should ensure that their article II undertakings are being fully implemented. The importance of transparency, accountability, making available and exchange of information among themselves on measures related to the implementation and enforcement of their obligations under articles I and II was stressed.

9. States parties reaffirmed the inalienable right of all States to develop the research, production and use of nuclear energy for peaceful purposes without discrimination, in conformity with articles I, II and III of the Treaty. In this context, they stressed that ownership of the capability that could be utilized to develop nuclear weapons places a special responsibility on the States concerned to build confidence with the international community that would remove any concerns about nuclear weapons proliferation. Such States need to ensure that IAEA is able to verify that these capabilities are being used for peaceful purposes only, including through the mechanisms available under the Additional Protocol for strengthened safeguards.

10. States parties stressed the fundamental importance of full compliance with the provisions of the Treaty and in the IAEA safeguards agreements. In this context, they reiterated their conviction that IAEA safeguards system provides a mechanism to ensure that States comply with their Treaty undertakings. They emphasized that IAEA safeguards promote further confidence among States, help to strengthen international security, and play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices.

11. States parties reaffirmed that IAEA is the competent authority responsible for verifying and assuring, in accordance with its Statute and safeguards system, compliance with its safeguards agreements with States parties undertaken in

fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. They also reaffirmed that nothing should be done to undermine the authority of IAEA in this regard. It was recalled that States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by other States parties, should direct such concerns, along with supporting evidence and information, to IAEA to consider, investigate, draw conclusions, and decide on necessary actions in accordance with its mandates. In this context, States parties noted proposals for the Review Conference to examine the possibility of establishing procedures for convening extraordinary conferences of the States parties.

12. States parties welcomed the Agency's completion of the conceptual framework for integrated safeguards, as well as the first steps taken towards their application. States parties underscored the value of both comprehensive safeguards agreements and Additional Protocol in enabling IAEA to provide assurance of both non-divergence of declared material and the absence of undeclared activities or material. States parties reaffirmed the need for the Additional Protocol to be universalized, and expressed their support for the implementation of the updated IAEA action plan. Support was expressed for a properly funded IAEA safeguards system, and it was noted that the forty-seventh session of IAEA General Conference agreed to increase the 2004-2005 budget for safeguards. States parties that had not yet concluded comprehensive safeguards agreements or that had not yet signed or ratified the Additional Protocol with IAEA were called upon to do so without further delay. It was also stated that efforts to achieve the universal application of the Model Additional Protocol should not hamper efforts towards achieving universality of comprehensive safeguards agreements. Many States parties voiced their expectation that the strengthened safeguards system should constitute the Non-Proliferation Treaty safeguards standard, and that this should come to be recognized as a requirement for new arrangements for nuclear supply to non-nuclear-weapon States by the 2005 Review Conference.

13. States parties, particularly those with advanced nuclear programmes, were called upon to conclude, bring into force and implement an Additional Protocol to their comprehensive safeguards agreement at the earliest opportunity. States parties recognized that such undertakings will enhance the confidence of States parties and helps eliminate concerns regarding their nuclear programmes.

14. In this context, and in light of the scope of its nuclear programme, States parties welcomed the Islamic Republic of Iran's signature of the Additional Protocol on 18 December 2003 and its commitment to act in accordance with the provisions of the Protocol pending its ratification, but they also noted that the Protocol has not yet been ratified and called on the Islamic Republic of Iran to do so promptly. It was noted that the report by the IAEA Director-General to the March 2004 Board of Governors recognized that the Islamic Republic of Iran has been actively cooperating with the Agency, but that it also highlights issues that remain of concern and require further clarification in accordance with the IAEA Board of Governors resolution of 13 March 2004. It was also noted that the Islamic Republic of Iran clarified some issues in the IAEA Director-General's March 2004 report to the Board of Governors. Some States parties noted with particular concern Iran's omission in its declarations to IAEA concerning aspects of its uranium enrichment programme. It was further noted that the IAEA Director-General is expected to

report on the remaining outstanding issues concerning Iran's nuclear programme before the end of May 2004 for the IAEA Board of Governors' consideration at its June 2004 meeting. It was recalled that the Islamic Republic of Iran's statement of 29 April 2003 solemnly declared that it does not seek to acquire nuclear weapons and that it is engaged in addressing in a detailed and substantiated manner the questions which have been raised about its nuclear programme.

15. States parties welcomed the voluntary decisions by the Libyan Arab Jamahiriya to abandon its programmes for developing weapons of mass destruction and their means of delivery. While recognizing that this is a step forward, concerns remained about the development of such programmes. States parties also welcomed the ratification of the Comprehensive Nuclear-Test-Ban Treaty by the Libyan Arab Jamahiriya, and its full cooperation with IAEA and other relevant international organizations, as well as its signing of the Additional Protocol. States parties are encouraged to secure a prompt ratification of the Protocol.

16. States parties noted that IAEA has a continuing mandate in Iraq under Security Council resolution 687 (1991) and Iraq's NPT safeguards agreement, and emphasized that IAEA has to discharge its full responsibility in accordance with those commitments.

17. States parties expressed great concern at the Democratic People's Republic of Korea's nuclear programmes, which undermine peace and security on the Korean peninsula and beyond. They also expressed deep concern regarding the Democratic People's Republic of Korea's decision last year to withdraw from the Treaty, which represents a serious challenge to the global non-proliferation regime. States parties urged the Democratic People's Republic of Korea to promptly come into compliance with NPT. The Democratic People's Republic of Korea was urged to promptly commit to and implement complete, verifiable and irreversible dismantlement. States parties stressed that the Korean peninsula must be denuclearized, while the peace, security and stability of the region should be strengthened and the legitimate interests and concerns of the relevant parties should be satisfied. They emphasized the importance of resolving this issue through diplomatic and peaceful means within the framework of the ongoing six-party talks.

18. States parties reiterated their strong support for article IV of the Treaty, which provides a framework for cooperation and confidence in the peaceful uses of nuclear energy. The States parties reaffirmed that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty. In this connection, it was reaffirmed that each State's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies and international nuclear cooperation agreements. It was emphasized that this right places a special responsibility on the States to be in full compliance with their safeguards obligations in order to build confidence with the international community.

19. The ability of the IAEA Board of Governors to monitor and enforce compliance with safeguards agreements should be strengthened. States parties should cooperate with IAEA at all times, including by providing information as required by the Board in the context of an investigation into possible safeguards violations, and should also support IAEA efforts to seek such information, as

necessary, from non-States parties. It was proposed that measures to strengthen control over the most sensitive part of the nuclear fuel cycle be considered. It was also proposed that States parties that have been found by the Board to have failed to comply with their safeguards obligations should lose the right to develop their own enrichment and reprocessing capabilities.

20. The proposal by the Director-General of IAEA for the restriction of the processing of weapon-usable material to facilities under multinational control was noted. Support was expressed for the initiative taken by the Director-General of IAEA to appoint an expert panel for examining possible solutions to the risks posed by the nuclear fuel cycle and to provide an interim report in a timely manner for the consideration of the 2005 NPT Review Conference. It was stressed that any consideration in this regard should respect the fundamental bargain underpinning the Treaty and should be accompanied by far-reaching nuclear disarmament measures by the nuclear weapons States in order to maintaining the balance of the fundamental bargain underlying the Treaty.

21. States parties expressed support for the technical cooperation activities of IAEA in improving health, combating poverty, protecting the environment, developing agriculture, managing the use of water resources and optimizing industrial processes, thus helping to achieve the Millennium Development Goals. They stressed the importance of aligning technical cooperation programmes with the development goals and needs of the country concerned, as well as the need to increase public awareness in this regard. States parties stressed the importance of providing the Agency with adequate resources to further develop technical cooperation activities for the application of nuclear energy for peaceful purposes. They called upon member States of IAEA to bear in mind the shared responsibility and to pay in full and on time their assessed contributions to the technical cooperation fund, as well as honouring their obligations to pay their assessed programme costs.

22. States parties expressed the desirability of exploring new and innovative approaches to the peaceful applications of nuclear technology, while at the same time minimizing the danger of nuclear weapons proliferation. Attention was drawn to the significance of developing proliferation resistant nuclear technologies and support was expressed for the work being carried out by IAEA. Many States parties underlined the need to examine ways of strengthening control of the most sensitive parts of the nuclear fuel cycle.

23. State parties underlined that effective export controls, together with comprehensive safeguards, are central to cooperation in the peaceful uses of nuclear energy, which depends on the existence of a climate of confidence about non-proliferation. The importance of transparency in export controls was widely recognized. State parties should refrain from exporting sensitive materials and technologies that could be used in the development of nuclear weapons, and should adopt the necessary export controls to ensure that such exports only take place for peaceful purpose. States parties were encouraged to assist other States parties in the establishment of effective national export control systems. The important role of the international export controls for nuclear related materials and technologies, including by the Zangger Committee and the Nuclear Suppliers Group, were noted, in particular their utility in guiding States in setting up their national export control policies. In this context, it was proposed that IAEA, in cooperation with the States

parties, should define as well as ensure the implementation of, the minimum standard for the direct-use and dual-use export controls in the nuclear field that are necessary to achieve the non-proliferation goals of the Treaty.

24. States parties reaffirmed the importance of preventing nuclear terrorism and strongly supported existing IAEA initiatives in this regard, including the action plan on protection against nuclear terrorism. The Agency's work in support of States' efforts to prevent the illicit trafficking of nuclear and other radioactive material was also commended. In this context, States parties stressed the importance of contributions to the nuclear security fund of IAEA. States parties emphasized the need to cooperate in efforts to prevent and disrupt illicit trafficking activities in nuclear weapons-related equipment, material and technology. Several States parties noted the G8's Kananaskis principles to prevent terrorists and those harbouring them from acquiring weapons of mass destruction and related material.

25. States parties urged the strengthening of the physical protection of nuclear material and facilities as an element of the non-proliferation regime that should be emphasized, particularly in the light of the heightened risk of nuclear terrorism. They noted the conclusion of the work to prepare a well-defined draft amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) and called for early action with respect to the strengthening of CPPNM. States parties supported a proposal for the early convening of a diplomatic conference to amend CPPNM. States parties called upon States that had not yet done so to accede to CPPNM. Support was expressed for the IAEA International Physical Protection Service (IPPAS). State parties highlighted the urgent need to strengthen controls over orphan sources. Support was expressed for an initiative sponsored by the Russian Federation, the United States and IAEA on the safe management of radioactive sources. States parties were urged to implement the principles incorporated in the IAEA Code of Conduct on the Safety and Security of Radiological Sources. The view was expressed that the Conference on Disarmament should revisit the issue of radiological weapons with a view to exploring the possibility of negotiating a convention on prohibiting these weapons, thereby providing added support and legitimacy to the efforts of IAEA aimed at enhancing the security of radioactive sources.

26. States parties stressed the importance of strengthening nuclear safety, radiation protection, the safety of radioactive waste management and the safe transport of radioactive materials. The need for maintaining the highest standards of safety at civilian nuclear installations through national measures and international cooperation was also emphasized. States parties welcomed the efforts of IAEA in the promotion of safety in all its aspects. States parties that had not yet acceded to the Convention on Nuclear Safety, as well as the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, were encouraged to do so.

27. States parties emphasized that all transport of nuclear and radioactive material, including maritime transport, should be carried out in a safe and secure manner, in strict conformity with international standards established by the relevant international organizations, such as IAEA and the International Maritime Organization. Some States parties called for effective liability arrangements, prior notification and consultation. States carrying out international transport stated that those transports are carried out in a safe and secure manner and in strict conformity

with all relevant international standards. States parties welcomed the conclusions on safety contained in IAEA General Conference resolution GC(47)/RES/7. States parties welcomed the adoption by the IAEA Board of Governors and General Conference of the revised Code of Conduct on the Safety and Security of Radioactive Sources in September 2003. States parties also welcomed the outcome the International Conference on the Safety of Transport of Radioactive Material organized by IAEA in July 2003 and the IAEA Plan of Action on the Safe Transport of Radioactive Material.

28. States parties attached importance to General Assembly resolution 58/40 on the prohibition of the dumping of radioactive wastes, and called upon States to take appropriate measures to prevent any dumping of nuclear or radioactive wastes that would be in breach of established international law. States parties also expressed support for the effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of IAEA as a means of enhancing the protection of all States from the dumping of radioactive wastes on their territories.

29. States parties recalled that the provisions of article V of the Treaty are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty.

30. States parties remained committed to implementing article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision on principles and objectives of nuclear non-proliferation and disarmament, and to pursue, with determination, the full and effective implementation of agreements reached in the Final Document of the 2000 Review Conference, in particular the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. In this context, the need was identified to consider the implementation of the practical steps for systematic and progressive efforts to implement article VI as well as to consider their further development.

31. States parties noted that the Treaty should be seen in its larger context of coherent commitments and credible progress towards nuclear disarmament. They also noted that without the fulfilment of article VI over time, the Treaty, in which non-proliferation and disarmament were mutually interdependent and reinforcing, would lose its true value. They further noted that the goal of nuclear disarmament could best be achieved through a series of balanced, incremental and reinforcing steps to ensure irreversibility.

32. States parties were of the view that the attainment of a nuclear-weapon-free world should be accompanied by the pursuit of other effective arms-control agreements at the global and also particularly at the regional levels, in line with the ultimate objective of general and complete disarmament under strict and effective international control.

33. States parties reaffirmed the importance of increased transparency with regard to nuclear-weapon capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament. It was emphasized that accountability and transparency of nuclear disarmament measures by all States parties remained the main criteria with which to evaluate the Treaty's operation.

34. States parties recalled that the 2000 Review Conference agreed that regular reports should be submitted by all States parties on the implementation of article VI.

It was stressed that such reporting promotes transparency and accountability, provides a way for all States parties to demonstrate their commitment to the Treaty, serves to measure progress and compliance, builds confidence and strengthens a sense of participation in implementing the Treaty.

35. States parties expressed continued disappointment over the lack of progress made in the implementation of the practical steps for systematic and progressive efforts to implement article VI, notwithstanding the recognition of the incremental nature of the process involved. Concern was expressed that despite the intentions of, and past achievements in, bilateral and unilateral reductions, the total number of nuclear weapons deployed and stockpiled still amounts to many thousands. Concern and uncertainty were also expressed about new approaches to the future role of nuclear weapons, as well as the possible development of new generations of nuclear weapons.

36. The nuclear-weapon States parties reiterated their commitment to nuclear disarmament. Some nuclear-weapon States described their respective measures taken in accordance with article VI of the Treaty. These include, inter alia, the reduction of strategic and non-strategic nuclear weapons arsenals, reduced reliance on nuclear weapons, the deactivation of deployed nuclear warheads, the dismantlement of nuclear submarines, the destruction of missiles and missile silos, the elimination of substantial stockpiles of weapon of mass destruction and the intention not to develop new nuclear weapons.

37. Many States parties expressed concerns that the abrogation of the Treaty on the Limitation of Anti-Ballistic Missiles (ABM) has brought new challenges to strategic stability and the prevention of arms race in outer space. They were also concerned that national missile defence system could trigger an arms race, the further development of advanced missile system and an increased in the number of nuclear weapons. Nuclear-weapon States were called upon to refrain from any action that could impact negatively on nuclear disarmament and non-proliferation.

38. States parties acknowledged that the number of deployed strategic nuclear warheads envisaged in the Treaty on Strategic Offensive Reductions ("the Moscow Treaty") represent a positive first step, and called on the United States of America and the Russian Federation to make the Treaty transparent, verifiable and to address non-operational warheads, thus making it an effective nuclear disarmament measure.

39. The importance of further reductions in non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process, was emphasized to promote international stability and based on the principle of undiminished security for all States. In this context, a view was expressed that States parties must strictly respect their commitments under articles I and II of the Treaty. There were calls for the preservation, reaffirmation and increased transparency in the implementation of the Presidential Nuclear Initiatives of 1991 and 1992 of the Russian Federation and the United States of America on reducing non-strategic nuclear weapons. There were also calls made for the formalization of the Presidential Nuclear Initiatives into a legal instrument and the initiation of negotiation on further reductions of such weapons. It was observed that substantial reductions of non-strategic nuclear weapons had taken place through unilateral actions, and that the dismantling of these weapons under such initiatives had been partly concluded. It was stressed by States parties that non-strategic

weapons must be further reduced in a transparent, accountable, verifiable and irreversible manner, and that negotiations should begin on further reductions of those weapons as soon as possible. It was argued that such reductions, coupled with enhanced security, would also help to ensure that terrorists would not be able to gain access to such weapons.

40. Strong support was expressed for early entry into force of CTBT as an essential element of nuclear disarmament and the non-proliferation regime. In this context, it was emphasized that the commitment to achieve the conclusion of negotiation on, and the entry into force of CTBT was an integral part of the agreements by the States parties that allowed the indefinite extension of the Treaty. The importance of the Conferences on Facilitating the Entry into Force of CTBT was also emphasized. States parties reaffirmed the importance of upholding and maintaining the moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending the entry into force of the Treaty, and noted the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in establishing the international monitoring system.

41. States parties emphasized that the commencement of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the Shannon report and the mandate contained therein, taking into account both nuclear disarmament and non-proliferation objectives, was the next logical step in the process of nuclear disarmament. States parties urged the Conference on Disarmament (CD) to agree on a programme of work which includes the immediate commencement of negotiation of such a treaty. States that had not yet done so were called upon to declare moratoria on the production of fissile material for nuclear weapons or other nuclear explosive devices. States parties urged the expeditious elimination of all surplus stocks of weapons-usable materials and nuclear warheads. It was noted that cooperative threat reduction programmes could also make an important contribution in this regard.

42. States parties reaffirmed the necessity to establish an appropriate subsidiary body in the CD to deal with nuclear disarmament. States parties urged the CD to agree on a programme of work and in this regard took note of the Five Ambassadors' proposal.

43. States parties emphasized the importance of all nuclear-weapon States making arrangements to place under safeguards as soon as practicable fissile materials designated by each of them as no longer required for military purposes.

44. It was noted that the first phase of the Trilateral Initiative — involving IAEA, the Russian Federation and the United States of America — for placing excess nuclear materials from dismantled weapons under international safeguards was successfully completed by September 2002. A model legal framework has been agreed that is now available to be used in new verification agreements between IAEA and the Russian Federation or the United States of America. The Russian Federation and the United States of America were urged to approach IAEA to carry out the verification requirements set forth in the Plutonium Management and Disposition Agreement signed by the two States. The Agency was urged to continue research and development into the practical aspects of verifying plutonium declared excess to military use. Consideration should also be given to the possible inclusion of other nuclear-weapon States. States parties recalled information provided by the

United States of America on the placement of some excess fissile material under IAEA safeguards. It was noted that several hundred tons of fissile material had been removed from military stockpiles by Russian Federation and the United States of America and would be disposed of so that the material is no longer usable in nuclear weapons. Progress was welcomed in agreements for disposing of highly enriched uranium and plutonium. The G-8 Global Partnership was highlighted as a positive contribution towards cooperation in reducing threats from all weapons of mass destruction through practical initiatives. States parties also noted the safeguards experience of IAEA in verifying nuclear materials, and expressed the view that the Agency could play an important role in verifying nuclear disarmament agreements.

45. States parties stressed that efforts to conclude a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority. They emphasized that the 1995 Review and Extension Conference noted that further steps should be considered to assure non-nuclear weapon States parties to the Treaty against the use or threat of use of nuclear weapons, and that these steps could take the form of an internationally legally binding instrument. They also emphasized that the Final Document of the 2000 Review Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on security assurances. States parties were of the view that this could take the form of an agreement or protocol to the Treaty, without prejudice to the legally-binding security assurances already given by the five nuclear-weapon States in the framework of the treaties regarding nuclear-weapon-free zones. Pending the conclusion of such negotiations, the nuclear-weapon States were called upon to honour their commitments under the respective Security Council resolution. Views were expressed that the issue of security assurances was linked with fulfilment of the Treaty obligations. States parties reaffirmed that non-nuclear-weapon States parties should be effectively assured by nuclear weapon States against the use or threat of use of nuclear weapons. It was emphasized that negative security assurances, a key basis of the 1995 extension decision, remained essential and should be reaffirmed. Reaffirmations were expressed of commitments under Security Council resolution 984 (1995). Concern was expressed that recent developments regarding the possible use of nuclear weapons might undermine commitments taken under that resolution. Several States parties, including one nuclear-weapon State, emphasized the importance of a no-first-use policy.

46. States parties reaffirmed their support for the concept of internationally recognized nuclear-weapon-free zones (NWFZs) established on the basis of arrangements freely arrived at among States in the regions concerned. The contribution of such zones to enhancing global and regional peace and security, including the cause of global nuclear non-proliferation, was emphasized. The establishment of nuclear-weapon-free zones created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba was considered as a positive step towards attaining the objective of global nuclear disarmament. The importance of the entry into force of all the existing nuclear-weapon-free zone treaties was stressed. Support for Mongolia's nuclear-weapon-free status was also reiterated.

47. State parties welcomed efforts aimed at establishing new nuclear-weapon-free zones in different regions of the world. States parties welcomed the fact that a treaty on a Central Asian nuclear-weapon-free zone has been concluded, but noted that it has not been opened for signature. States parties were encouraged by the fact that

Central Asian countries had been engaged in consultations. Hope was expressed that the consultations between the Central Asian States and the nuclear-weapon States would lead to a successful outcome. States parties noted that no progress had been achieved in the establishment of nuclear-weapon-free zones in the Middle East, South Asia and other regions.

48. The ongoing consultations between the Association of South-East Asian Nations (ASEAN) and the nuclear-weapon States on the Protocol of the Southeast Asia NWFZ Treaty were noted. In this regard, it was also noted that one nuclear weapon State has reached agreement on the Treaty and its Protocol. Other nuclear-weapon States were urged to continue their consultations. States parties stressed the importance of the early accession of nuclear-weapon States to the Protocol.

49. States parties reaffirmed the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference, and recognized that the resolution remained valid until its goals and objectives were achieved. The resolution was both an essential element of the outcome of the 1995 Conference and an essential part of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons had been indefinitely extended without a vote in 1995. States parties reiterated their support for the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction. States parties noted that all States of the region of the Middle East, with the exception of Israel, were States parties to the Non-Proliferation Treaty. States parties called upon Israel to accede to the Treaty as soon as possible and to place its nuclear facilities under comprehensive IAEA safeguards. States parties affirmed the importance of establishing a mechanism within the Non-Proliferation Treaty review process to promote the implementation of the 1995 resolution on the Middle East.

50. States parties recalled that the 2000 Final Document request all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, should report to the United Nations Secretary-General, the President of the 2005 Review Conference and the Chairpersons of the Preparatory Committee meetings to be held in advance of that Conference on the steps that they had taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East.

51. States parties urged India and Pakistan to accede to NPT as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive IAEA safeguards and to conclude Additional Protocols. States parties expressed concerns over the two countries' nuclear weapon programmes, urged them to fulfil the requirements of Security Council resolution 1172 (1998) and reaffirmed that these States do not in any way have the status of nuclear-weapon States. It was recalled that both States have declared moratoria on further testing and their willingness to enter into legal commitments not to conduct any further nuclear testing by signing and ratifying CTBT, and called upon them to sign the Treaty. It was further recalled that both States expressed their willingness to participate in negotiations on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Pending the conclusion of a legal instrument, States parties urged both States to commit to a moratorium on the production of such fissile material. States parties welcomed the reduction of tension between the two States and subsequent steps taken by them towards the resolution of outstanding issues.

52. While recognizing the right of each State party to withdraw from the Treaty as provided for in article X (1), it was proposed that procedures be established for the exercise of this right in a manner consistent with the purposes and objectives of the Treaty.

53. Recognizing the value of reporting in the context of the Treaty and given the interrelated and mutually reinforcing obligations and rights of States parties, a proposal was made that the 2005 Review Conference adopt a distinct decision on reporting on the implementation of the Treaty as a whole.

54. States parties agreed that disarmament and non-proliferation education is important in strengthening the full implementation of disarmament and non-proliferation obligations under NPT. In that connection, they welcomed recommendations for utilizing education in pursuit of this objective, which were contained in the report of the Secretary-General on disarmament and non-proliferation education submitted to the General Assembly at its fifty-seventh session. It was recalled that the General Assembly, in its resolution 57/60 on United Nations study on disarmament and non-proliferation education, conveyed the recommendations for implementation, as appropriate, by Member States, the United Nations and other international organizations, civil society, non-governmental organizations and the media. States parties were encouraged to include in their education and training programmes information on the Treaty, including its Review Conferences and the work of States parties to implement the Treaty. Relevant international organizations, such as IAEA, also were encouraged to present educational and training programmes related to implementation of the Treaty.

55. States parties acknowledged the involvement and contribution of civil society in the Treaty review process. Substantive proposals were made for the enhanced participation of non-governmental organizations.

NPT/CONF.2005/PC.III/WP.28

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

10 May 2004

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Third session
New York, 26 April-7 May 2004

United States statement

7 May 2004

Mr. Chairman,

My delegation recognizes the effort you and your staff, including the Bureau representatives Ambassador Molnar and Ambassador Bonnier, have made in compiling this Summary. The last session of the Preparatory Committee before a Review Conference is no simple affair, and my delegation appreciates the hard work and dedication that you have contributed to this endeavor.

I also want to take this opportunity, Mr. Chairman, to recognize your personal efforts over the past year in preparing for your task as Chairman. My delegation appreciates these efforts, including your co-sponsorship with Japan of the NPT workshop in Jakarta in March. We look forward to continue working with you, Mr. Chairman, in your capacity as a member of the NPT Bureau.

Mr. Chairman, we have reviewed your Summary. We agree that the full and effective implementation of the NPT is vital to international peace and security. We note some appropriate references to today's serious threats to the NPT, and to the importance of strict compliance and enforcement to meet these threats. We are pleased with the recognition that the right to the peaceful uses of nuclear energy as stated in the Treaty must be in conformity with Articles I, II, and III. The Summary also reflects the importance we all attach to IAEA safeguards, especially the Additional Protocol, and the need for effective nuclear export controls and safety measures. We welcome the references to the Global Partnership and to UN Security Council Resolution 1540. Finally, the account of the importance of achieving complete, verifiable, and irreversible dismantlement of North Korea's nuclear program is fair and balanced.

However, we have concluded that the Summary has fundamental strategic weaknesses. Though purporting to be a Summary of the discussions of this session of our Committee, it fails to

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reflect in an accurate and balanced manner the substance of our deliberations on compliance with nonproliferation obligations and on disarmament. It has attributed to all States Parties views that were held only by some participating states. It fails to reflect, in whole or in part, contrasting views on many issues. The continuing, erroneous assertion that "States Parties" agreed, stressed, affirmed or emphasized an issue mischaracterizes the substance and thrust of the speeches and discussions that have occurred in this room. It suggests consensus when none was reached.

Many things have been said here on different sides of many issues. One would not know this from the Summary, however. Contrary to the Summary, the United States has made clear that it does not support all 13 practical steps from the 2000 Final Document, and does not assign a higher priority to promotion of peaceful uses than to nuclear nonproliferation or evaluate the NPT's operation mainly on the basis of Article VI. There are many other examples. The approach of using State Parties with no qualification has led to serious problems of characterization and misinterpretation.

We do not support a mechanism to promote implementation of the 1995 resolution on the Middle East. The Middle East is a serious issue. Unfortunately, the Summary does not take account of the complicated set of issues, the noncompliance obstacles, or the peace efforts that have been undertaken.

Fundamentally, the Summary fails to recognize the degree of crisis that the NPT faces and that we, as States Parties, must confront. We must face the fact that in the past 15 years, at least four non-nuclear-weapon states have sought nuclear weapon capabilities in violation of Articles II and III of the NPT. In the past two years, new nuclear weapons programs have been uncovered in two countries along with a major illicit nuclear procurement network. The discovery of this network raises questions about whether one, or more, other states could be engaged in similar clandestine efforts that would pose a threat to each and every state represented in this room. The summary simply fails to reflect the gravity of this crisis or the urgency of a firm and swift response. Without a strong commitment to enforcement of NPT obligations, the Treaty will be progressively undermined. Many countries spoke eloquently to these issues and made concrete proposals for strengthening the Treaty. The Summary does not adequately take these views into account and is a profound misrepresentation of our debate.

We are particularly dismayed at the paragraph dealing with Iran. While the Summary calls for strengthening the IAEA Board of Governors and its role in chronicling abuse of safeguards, it falls very far below the standard set by the Board in its repeated reports and resolutions over the past year. IAEA reports have described in striking detail a systematic, clandestine effort by Iran over a long period to acquire a fissile material production capability, which we believe is in direct support of a nuclear weapons program. Compare Iran's statements at the 2003 PrepCom with the facts discovered by the IAEA since, including breaches of Iran's obligation to comply with its Safeguards Agreement, and you will find conclusive evidence that Iran's assertions last year were far from the truth.

Yet the Summary recounts Iran's promises favorably and uses "States Parties" in the context of a positive reference to Iran – but attributes concerns about Iran's clandestine nuclear activities only to "some States Parties." This is not an accurate summary of what was said here. It ignores many references by delegations to three consensus resolutions by the IAEA Board of Governors. By ignoring all of this, this paragraph tends to undermine the strong support expressed elsewhere in the Summary for the IAEA. Just this week the IAEA Director-General reminded Iran again publicly that the world will not wait forever for Iran to meet its obligations. This PrepCom should not show itself to be less concerned about Iran's flouting of its NPT obligations than are the IAEA Board of Governors and the Director General. Finally, by downplaying Iran's violations, the Summary fails to offer an adequate contrast to the model of compliance that Libya is coming to represent.

Equally discouraging is the lack of emphasis and balance in the treatment of disarmament questions. More paragraphs of the Summary are devoted to this issue than to any other topic. It is one thing to differ with the nuclear weapon states on certain policies or on the rate of progress on disarmament. But to ignore the enormous positive strides in nuclear force reductions suggests that many countries do not fully appreciate the significance of these and other actions toward reducing reliance on nuclear weapons. We would have expected more recognition for these efforts under Article VI.

Finally, on negative security assurances, we understand the importance attached to this issue by many NPT NNWS. The United States reaffirmed its existing position on NSAs, as did other nuclear-weapon states. However, the end of the Cold War has further lessened the relevance of non-use assurances from the P-5 to the security of NPT NNWS, particularly when measured against the very real nuclear threats from NPT violators and non-state actors. We fail to see any justification for expanding NSAs to encompass global-legally binding assurances. This proposal has no relation to contemporary threats to the NPT. We did not, do not, and will not agree as stated in the Summary "that efforts to conclude a universal, unconditional, and legally binding instrument on security assurances to non-nuclear-weapon states should be pursued as a matter of priority."

Mr. Chairman, we may all wish for consensus, but saying that we have consensus does not make it so. Faced with these deficiencies in the Summary, and with regret, the United States will not support it being annexed to the PrepCom Report. It will remain the Chair's paper, but it can have no other status. It is not a consensus document. It will not be binding on my government.

Conclusion

Mr. Chairman, it is time to look forward toward the Review Conference and the important consultations that must precede it.

In order to strengthen the NPT against further proliferation, there must be dedicated efforts to develop new tools and strengthen old ones to deter, detect, and deal with today's

noncompliance crisis. The NPT review process can provide political support to these efforts, but more states must recognize the need to increase support for the NPT's nonproliferation goals. To ignore the real threats to the Treaty would threaten the regime.

The United States looks forward to working with President-Designate Duarte and key NPT parties around the globe in preparing for the 2005 NPT Review Conference. We hope the Conference will focus on the critical issues facing the NPT today, and support measures to strengthen the integrity of the nuclear nonproliferation regime. We should coalesce around those areas where we have common approaches and seek to reinforce new and existing tools to address the challenges before us. Where we have differences, we have to be realistic, and focus on what is achievable. In this way, the NPT will benefit, as will our collective security.

Thank you Mr. Chairman.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 May 2004

Original: English

Third session
New York, 26 April-7 May 2004

Proposed amendments to the draft final report of the third session of the Preparatory Committee for the 2005 NPT Review Conference

Submitted by the Non-Aligned States and other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The Non-Aligned States and Other States Parties to the NPT propose the following amendments to the Draft Final Report of the Third Session of the Preparatory Committee for the 2005 NPT Review Conference:

- Insertion of a new para. 2 *bis* in the Draft Final Report, as follows:

2 *bis*. In accordance with the "2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons, Final Document, Part I" (NPT/CONF.2000/28) and the decision on "Strengthening the Review Process for the Treaty" (NPT/CONF.1995/32/DEC.1), the third session of the Preparatory Committee has been mandated and tasked to undertake the following:

- "Each session of the Preparatory Committee should consider specific matters of substance relating to the implementation of the Treaty and Decisions 1 and 2, as well as the Resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty."[1]

- "At its third and, as appropriate, fourth session, the Preparatory Committee, taking into account the deliberations and results of its previous sessions,

[1] Para. 5 under "*Improving the Effectiveness of the Strengthened Review Process for the Treaty*" in the Final Document, Vol.I Part I, of the 2000 NPT Review Conference (NPT/CONF.2000/28).

should make every effort to produce a consensus report containing recommendations to the Review Conference."[2]

- "States parties agreed that the procedural arrangements for the Review Conference should be finalized at the last session of the Preparatory Committee."[3]

- "The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference."[4]

- "The Conference calls on the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue"[5] (of security assurances).

- In para. 9 of the Draft Final Report, request the inclusion of two additional NAM Member States in the list of the States parties participating in this third session of the Preparatory Committee, viz. Palau and Timor Leste.

- In para. 13 of the Draft Final Report, the deletion of the last sentence ("*The Committee ..... a precedent.")* and insertion a new para. 29 *bis* instead.

- Insertion of a new para. 29 *bis* in the Draft Final Report, as follows:

  29 *bis*. At its third session, the Preparatory Committee recommended that the practice applied during its third session for the participation of non-governmental organizations be applied during the proceeding of the 2005 Review Conference.

- Amendment of para. 38 (f) line 2 of the Draft Final Report, as follows:
  "....and Extension Conference and recommendations on the Middle East adopted by the 2000 NPT Review Conference, reflecting...."

- Amendment of para. 39 (d) line 1 of the Draft Final Report, by replacing "Organization of African Unity" with "African Union."

- In para. 41 line 1, the deletion of the word "also."

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[2] Para. 7 under "*Improving the Effectiveness of the Strengthened Review Process for the Treaty*" in the Final Document, Vol.I Part I, of the 2000 NPT Review Conference (NPT/CONF.2000/28).

[3] Para. 8 under "*Improving the Effectiveness of the Strengthened Review Process for the Treaty*" in the Final Document, Vol.I Part I, of the 2000 NPT Review Conference.

[4] Para. 6 under "*Decision 1: Strengthening the Review Process for the Treaty*" of the 2000 NPT Review Conference (NPT/CONF.1995/32/DEC.1).

[5] Para. 2 under "*Article VII and the security of non-nuclear-weapon States*" in the Final Document, Vol.I Part I, of the 2000 NPT Review Conference (NPT/CONF.2000/28).

- Replacement of para. 42 of the Draft Final Report with the following:

  In accordance with the "2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons, Final Document, Part I" (NPT/CONF.2000/28) and the decision on "Strengthening the Review Process for the Treaty"

  (NPT/CONF.1995/32/DEC.1), and taking into account the deliberations and results of its previous sessions, the Preparatory Committee agreed to recommend:

  - that the 2005 Review Conference consider the further strengthening or enhancement of the review process, including with regard to the institutions of the Treaty.

  - the establishment of subsidiary bodies, in accordance with rule 34 of the draft Rules of Procedures for the 2005 Review Conference to consider, respectively, issues related to nuclear disarmament, safety and security of peaceful nuclear programmes, security assurances, regional issues with particular reference to the 1995 Resolution on the Middle East.

  - that the Review Conference consider the further strengthening or enhancement of the regular reports provided for in accordance with the 2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons, Final Document.

  - that the Review Conference consider the steps and other actions that could be undertaken to promote disarmament and non-proliferation education, with particular reference to the Treaty on the Non-proliferation of Nuclear Weapons.

NPT/CONF.2005/PC.III/WP.30

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

21 May 2004

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New York, 26 April-7 May 2004

Chairman's working paper

As agreed by the Committee at its third session, the Chairman transmits herewith to the Review Conference issues and proposals that required further discussion by the Committee, that are non-binding on States parties and without prejudice to any other issues and proposals that States parties may wish to bring to the attention of the Review Conference.

I. Outstanding paragraphs from the draft final report of the Committee contained in document NPT/CONF.2005/PC.III/CRP.4

A. [Provisional agenda] - Paragraph 34

34. [At its third session, the Committee recommended the provisional agenda as contained in annex [...] to the present report for adoption by the Conference. It also agreed to the proposed allocation of items to the Main Committees of the Conference as contained in annex [...] to the present report.]

(i) The following was considered by the Committee, as contained in document NPT/CONF.2005/PC.III/CRP.3:

"2000 NPT Review Conference Agenda"

1. Opening of the Conference by the Chairman of the third session of the Preparatory Committee.
2. Election of the President of the Conference.
3. Statement by the President of the Conference.
4. Address by the Secretary-General of the United Nations.

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5. Address by the Director General of the International Atomic Energy Agency.

6. Submission of the final report of the Preparatory Committee.

7. Adoption of the rules of procedure.

8. Election of Chairmen and Vice-Chairmen of the Main Committees, the Drafting Committee and the Credentials Committee.

9. Election of Vice-Presidents.

10. Credentials of representatives to the Conference:

    (a) Appointment of the Credentials Committee;

    (b) Report of the Credentials Committee.

11. Confirmation of the nomination of the Secretary-General.

12. Adoption of the agenda.

13. Programme of work.

14. Adoption of arrangements for meeting the costs of the Conference.

15. General debate.

16. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference:

    (a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

        (i) Articles I and II and preambular paragraphs 1 to 3;

        (ii) Article VI and preambular paragraphs 8 to 12;

        (iii) Article VII with specific reference to the main issues in (a) and (b);

    (b) Security assurances:

        (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);

        (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

(c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones;

(i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;

(ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;

(iii) Article VII;

(d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:

(i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;

(ii) Article V.

(e) Other provisions of the Treaty.

17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

18. Reports of the Main Committees.

19. Consideration and adoption of Final Document(s).

20. Any other business."

(ii) Amendment proposals to agenda item 16:

(a) *add after the word "Conference"*: "and taking note of the 2000 Review Conference." [Canada]

(b) *add after the word "Conference"*: "and taking appropriate note of the 2000 Review Conference." [United States of America]

(c) *add after the word "Conference"*: "and the Final Document of the 2000 Review Conference." [Algeria, Canada]

(d) *add after the word "Conference"*: "and the Final Documents of all review conferences, including the Final Document of the 2000 Review Conference." [Russian Federation]

(e) *amend above proposal by the Russian Federation, as follows*: "and the Final Documents of all Review Conferences, in particular the Final Document of the 2000 Review Conference." [South Africa]

(f) *retain* "Review of the operation of the Treaty as provided for in its article VIII, paragraph 3" *and delete the remainder of the chapeau* [China]

(g) *add after the word "Conference"*: "and the Final Documents of the 1975, 1985 and 2000 Review Conferences" [Canada, as Coordinator of consultations on agenda item 16]

(h) *add after the word "Conference"*: "and the Final Documents of the 1975, 1985 and 2000 Review Conferences" [NAM and other States]

(i) *add to the above proposal by the NAM and other States the following phrase*: "as well as developments relevant to the Treaty." [Canada]

(j) *amend above proposal by Canada, as follows*: "and subsequent developments related to the Treaty." [United States of America]

(k) *add after the word "Conference"*: "developments related to the implementation of the Treaty and the outcome of the 1975, 1985 and 2000 Review Conferences." [Chairman]

B. [Background documentation] –paragraphs 36 - 39

36. [At its third session, the Preparatory Committee decided to invite the Secretary-General to prepare papers on various articles of the Treaty, taking into account the decisions on strengthening the review process for the treaty and on principles and objectives for nuclear non-proliferation and disarmament and the resolution on the Middle East, adopted in 1995, as well as the outcome of the 2000 Review Conference.

37. Consistent with the approach applied for the preparation of background documentation for the 2000 Review Conference, the following general approach should apply to the proposed papers. All papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on developments in the period since the 2000 Review Conference and on the implementation of the outcome of that conference, as well as the decisions on strengthening the review process for the Treaty and on principles and objectives for nuclear non-proliferation and disarmament and the resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference. The papers should be made available in advance of the 2005 Review Conference.

38. Specifically, the Secretariat of the United Nations is requested to prepare documents on the following topics to reflect developments related to the implementation of the Treaty and the

outcomes of the 1995 NPT Review and Extension Conference and the 2000 Review Conference, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized:

(a) Implementation of the tenth preambular paragraph (comprehensive nuclear-test-ban), reflecting developments since the 2000 Review Conference;

(b) Implementation of articles I and II, drawing on the relevant discussions and results of all prior review conferences and taking into account recent and current developments in the area of nuclear non-proliferation. To the extent necessary, the paper would include cross-references to matters discussed in the paper by the International Atomic Energy Agency on article III;

(c) Implementation of article VI, covering developments regarding cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament;

(d) Implementation of article VII, addressing proposals for the establishment of nuclear-weapon-free zones where they have not yet been established;

(e) Developments regarding security assurances, dealing with both positive and negative security assurances and reflecting developments in the Conference on Disarmament and the United Nations and proposals within the ambit of NPT;

(f) Implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference, reflecting developments since 2000 with a view to realizing the objectives of the resolution;

(g) Realization of the goals of the Treaty in various regions of the world.

39. The Preparatory Committee also asks that the following be made available to the 2005 Review Conference, also reflecting developments since the 2000 Review Conference:

(a) Documentation prepared by the IAEA regarding its activities relevant to articles III, IV and V;

(b) A memorandum from the secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean regarding its activities;

(c) A memorandum from the secretariat of the Pacific Island Forum regarding its activities related to the Rarotonga Treaty;

(d) A memorandum from the secretariat of the African Union regarding its activities related to the Pelindaba Treaty;

(e) A memorandum from the depositary of the Bangkok Treaty regarding its activities related to the Treaty.]

Amendment proposals to paragraph 38:

(a) *amend paragraph 38 (a), as follows*: "Implementation of the tenth preambular paragraph (comprehensive-nuclear-test-ban), ***[in consultation with the Preparatory Commission for the CTBTO]***, reflecting developments sincew the 2000 Review

Conference;" [Ireland, as Coordinator of consultations on background documentation]

(b) *amend paragraph 38 (f), as follows*: "Implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference, ***[and recommendations on the Middle East adopted by the 2000NPT Review Conference,]*** reflecting developments since 2000 with a view to realizing the objectives of the resolution; [NAM and other States]

C. [Recommendations]

42. [In accordance with the 1995 decision on strengthening the review process for the Treaty and the Final Document of the 2000 Review Conference, and taking into account the deliberations and results of its previous sessions, the Committee agreed at its third session to recommend to the 2005 Review Conference to consider the establishment of subsidiary bodies to take up issues of the Main Committees of the Conference.]

Amendment proposals to paragraph 42:

(a) *delete the words* "to the 2005 Review Conference to consider the establishment of subsidiary bodies to take up issues of the Main Committees of the Conference" *and insert the following*:

- "that the 2005 Review Conference consider arrangements to reinforce the authority and effectiveness of the Treaty;
- that the Review Conference consider recognizing that the Additional Protocol, together with a comprehensive safeguards agreement, now represents the verification standard under Article III of the Treaty;
- that the Review Conference consider ways of strengthening control of the most sensitive parts of the nuclear fuel cycle." [Canada]

(b) *replace paragraph 42 with the following text:*

"In accordance with the '2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I' (NPT/CONF.2000/28) and the decision on 'Strengthening the Review Process for the Treaty' (NPT/CONF.1995/32/DEC.1), and taking into account the deliberations and results of its previous sessions, the Preparatory Committee agreed to recommend:

- that the 2005 Review Conference consider the further strengthening or enhancement of the review process, including with regard to the institutions of the Treaty;
- the establishment of subsidiary bodies, in accordance with rule 34 of the draft Rules of Procedure for the 2005 Review Conference to consider, respectively, issues related to nuclear disarmament, safety and security of peaceful nuclear programmes, security assurances, regional issues with particular reference to the 1995 Resolution on the Middle East;

- that the Review Conference consider the further strengthening or enhancement of the regular reports provided for in accordance with the 2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons, Final Document;
- that the Review Conference consider the steps and other actions that could be undertaken to promote disarmament and non-proliferation education, with particular reference to the Treaty on the Non-proliferation of Nuclear Weapons." [NAM and other States]

(c) *amend the above proposal by the NAM and other States, as follows:*

"In accordance with the '2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I' (NPT/CONF.2000/28) and the decision on 'Strengthening the Review Process for the Treaty' (NPT/CONF.1995/32/DEC.1), and taking into account the deliberations and results of its previous sessions, the Preparatory Committee agreed to recommend:

- that the 2005 Review Conference consider the further strengthening ~~or enhancement of the review process, including with regard to the institutions of the Treaty~~ **of the NPT against withdrawal and non-compliance, including through the establishment of procedures and mechanisms towards that end**;
- the establishment of subsidiary bodies, in accordance with rule 34 of the draft Rules of Procedure for the 2005 Review Conference to consider, respectively, issues related to nuclear disarmament, safety and security of peaceful nuclear programmes, security assurances, regional issues with particular reference to the 1995 Resolution on the Middle East;
- that the Review Conference consider the further strengthening or enhancement of the regular reports provided for in accordance with the 2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons, Final Document;
- that the Review Conference consider the steps and other actions that could be undertaken to promote disarmament and non-proliferation education, with particular reference to the Treaty on the Non-proliferation of Nuclear Weapons." [Germany]

II. Proposal for inclusion of new paragraph in the draft report of the Committee contained in document NPT/CONF.2005/PC.III/CRP.4 [NAM and other States]

Insert new paragraph 2 (bis):

"In accordance with the '2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I' (NPT/CONF.2000/28) and the decision on 'Strengthening the Review Process for the Treaty' (NPT/CONF.1995/32/DEC.1), the third session of the Preparatory Committee has been mandated and tasked to undertake the following:

- 'Each session of the Preparatory Committee should consider specific matters of substance relating to the implementation of the Treaty and Decisions 1 and 2, as well as the Resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty.'

- 'At its third and, as appropriate, fourth sessions, the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference.'

- 'The States parties agreed that the procedural arrangements for the Review Conference should be finalized at the last session of the Preparatory Committee.'

- 'The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference.'

- 'The Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue' (of security assurances)."